

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SLICK SLIDE LLC,) Case No. 22-cv-06406
Plaintiff,) Judge Thomas M. Durkin
v.)
ADVENTURE ATTRACTION)
ASSOCIATES, INC.,)
Defendant.)

JOINT STATUS REPORT

Plaintiff, Slick Slide LLC (“Slick Slide”) and Defendant Adventure Attraction Associates, Inc. (“AAA”) submit this Joint Status Report pursuant to the Court’s Minute Entry entered November 16, 2022. (*See* ECF No. 5).

1. The Nature of the Case

a. Identity of Attorneys of Record for Each Party.

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b. Basis for Federal Jurisdiction

Plaintiff's claim is for copyright infringement and arises under the Copyright Act of 1976 (17 U.S.C. §§ 101 *et. seq.*), and federal question jurisdiction is conferred pursuant to 28 U.S.C. §§ 1331 and 1338(a). Defendant's counterclaim for false marking is brought pursuant to 35 U.S.C. § 292, and counterclaim for unfair competition is brought pursuant to 15 U.S.C. § 1125(a), and federal question jurisdiction is conferred pursuant to 28 U.S.C. §§ 1331 and 1338(a). Jurisdiction over Defendant's state law counterclaims is conferred pursuant to 28 U.S.C. § 1367.

c. Nature of Claims, Counterclaims, and Relief Sought

Plaintiff alleges copyright infringement. Plaintiff seeks relief in the form of damages, fees, and an injunction.

Defendant alleges false marking, unfair competition, tortious interference with prospective business advantage, defamation, common law commercial disparagement, statutory commercial disparagement, copyright misuse, and copyright invalidity. Defendant seeks relief in the form of damages, fees, an injunction, and a declaration that Plaintiff's copyright registration is invalid and unenforceable.

2. Pending Motions and Case Plan

a. Pending Motions

There is currently one pending motion: Plaintiff Slick Slide LLC's Motion to Dismiss Counterclaims and Motion to Strike Affirmative Defense, filed December 28, 2022 (*See* ECF Nos. 14 and 15).

b. Proposed Discovery and Case Plan

i. The General Type of Discovery Needed: The Parties anticipate the need to take discovery regarding all of the claims and counterclaims in the case, and regarding all of the defenses raised in response to all claims and counterclaims. The Parties also anticipate the need to take discovery regarding third parties involved due to the claims and counterclaims, including third parties that are alleged to have been contacted and interfered with by the Plaintiff. The Parties also anticipate the need to take discovery regarding damages sought in connection with the Parties' claims and counterclaims.

ii. Date to issue written discovery: The Parties agree that discovery may begin after the Parties' initial discovery conference, which took place on January 23, 2023.

iii. Expert Discovery Completion relevant to dispositive liability motions and dates for delivery of expert reports: The Parties anticipate expert discovery may be relevant to dispositive liability motions.

iv. Liability Discovery Completion Date: The Parties do not anticipate the need for a separate liability discovery completion date. The Parties propose a fact discovery deadline of January 8, 2024. The Parties propose that expert reports for a party bearing the burden of proof on an issue be exchanged on September 29, 2023, and that rebuttal expert reports be exchanged on November 30, 2023. The Parties propose an expert discovery deadline of January 8, 2024.

v. Deadline to Amend Pleadings: The Parties propose a deadline to amend pleadings of April 21, 2023.

vi. Expert Discovery Completion relevant to damages and dates for delivery of expert reports: See Section 2.b.iv.

c. E-Discovery: The Parties anticipate that discovery will encompass electronically stored information (ESI). ESI discovery will include the need for the production of native files. The Parties will jointly submit a proposed ESI Protocol and Confidentiality Order.

d. Jury Trial is requested and probable length of trial is 5-6 days.

3. Consent to Proceed Before a Magistrate Judge.

The Parties do not consent unanimously to proceed before a Magistrate Judge.

4. Status of Settlement Discussions.

- a. To date, the Parties have not engaged in discussions regarding settlement.
- b. The Parties do not request a settlement conference at this time.

Dated: January 23, 2023

Respectfully submitted,

FOR PLAINTIFF

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